

1
2
3
4 SURGICAL INSTRUMENT SERVICE
5 COMPANY, INC.,
6 Plaintiff,
7 v.
8 INTUITIVE SURGICAL, INC.,
9 Defendant.

10 Case No. 21-cv-03496-AMO
11
12

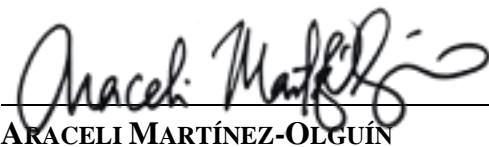
**ORDER UPDATING JURY
INSTRUCTIONS**

13 Before the Court is Defendant Intuitive Surgical, Inc.’s (“Intuitive”) Objection, ECF 441,
14 to the Court’s order explaining its removal of a proposed jury instruction based on the four-part
15 test from *Epic Games, Inc. v. Apple, Inc.*, 67 F.4th 946, 977 (9th Cir. 2023). See ECF 440.

16 The Court **tentatively SUSTAINS** Intuitive’s objection and intends to include the Single-
17 Brand Aftermarket jury instruction as No. 16 in the jury charge. The Court will permit Plaintiff to
18 present further argument against inclusion of the instruction at 8:00 a.m. tomorrow, but the parties
19 should prepare their closing arguments as if the Single-Brand Aftermarket instruction will be
20 included in the final charge read to the jury.

21
22 **IT IS SO ORDERED.**

23 Dated: January 27, 2025

24
25
26 
27 ARACELI MARTÍNEZ-OLGUÍN
28 United States District Judge